

PERSONNEL POLICIES OF THE CITY OF BIG SPRING

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PERSONNEL POLICIES

CHAPTER 1

Introduction

Section 1 – Objectives

These policies are designed to bring to the City of Big Spring a service of a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. Objectives of the City personnel management system, which includes these policies, are:

- a. To promote and increase productivity, efficiency, responsiveness to the public, and economy in the City service;
- b. To provide fair and equal opportunity for qualified persons to enter and progress in the City service in a manner based on merit and fitness as ascertained through fair and practical personnel management methods;
- c. To maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a City career and encouraging each employee to give his/her best effort to the job and the public;
- d. To develop and maintain consistent, up-to-date position classification and compensation plans;
- e. To develop high morale among City employees for fostering good working relationships and by providing uniform personnel policies, opportunity for

- advancement, and consideration of employee needs and desires;
- f. To retain employees on the basis of the adequacy of their performance, correct inadequate performance, and separate employees whose inadequate performance cannot be corrected; and
 - g. To assure that employees are protected against coercion for partisan political purposes and are prohibited from using their positions with the City for the purpose of interfering with or affecting the results of any kind of official election.

Section 2 – Equal Employment Opportunity Policy

An affirmative action plan shall be developed and maintained to foster equal employment opportunity in the City service. Discrimination against any person in recruitment, examination, appointment, training, promotion, discipline, or any other aspect of personnel administration because of political or religious opinions or affiliations, membership or non-membership in employee organizations, or because of race, color, national origin, marital status, or other non-merit factors is prohibited. Discrimination on the basis of age, sex, or physical disability is prohibited except where specific age, sex, or physical requirements constitute a necessary occupational qualification for proper and efficient administration. Any employee who feels he/she has been improperly discriminated against may appeal in accordance with the procedures specified in Chapter XI.

Section 3-Applicability

These rules apply to all City employees except where inconsistent with statute, charter, or ordinance.

Section 4 – Dissemination

All City employees shall be informed of the existence of these policies, and each department shall keep at least one copy available for reference by its employees. These policies as approved and amended by the City Council shall be the official personnel policies of the City.

Section 5 – Division of Responsibility

With the exception of matters reserved to the City Council, the general and final authority for personnel management rests with the City Manager, who may delegate authority as necessary and proper.

The Personnel Director is delegated the authority for recommending, and interpreting personnel policies and procedures as they apply to all departments and employees, subject to discretionary review and approval by the City Manager. The Personnel Director shall advise management in all areas of personnel administration, including but not limited to employee-management relations, training and career development, and employee health, safety, and morale.

Department heads and supervisory personnel are responsible for enforcing the provisions of these policies and for cooperating with the Personnel Director on all related matters pertinent to their organizational units. Department heads may adopt supplemental personnel policies, procedures, and work rules not in conflict with these City wide policies.

The City shall make every effort to thoroughly acquaint employees with the materials in these personnel policies and any subsequent revisions. Employees are encouraged to submit suggestions for changes and improvements in personnel policies and procedures.

PERSONNEL POLICIES

CHAPTER II

Method of Filling Vacancies

Section 1 – Vacancy Identification

Department heads shall notify the Personnel Director when vacancies occur or are imminent in the manner prescribed by the Personnel Director.

Section 2 – Announcement of Vacancies

The Personnel Director shall publicly announce by appropriate means all vacancies to be filled in the City service by other than demotion, transfer, temporary promotion, or reinstatement and shall maintain a list of current announced vacancies for public inspection.

Each job announcement, insofar as practicable, shall specify the title, salary, and nature of the job; the required minimum qualifications; whether competition is open to the general public or restricted to City employees; the type of selection procedure to be utilized; and the deadline for and method of application. Each announcement shall contain a statement confirming the City commitment of a policy of equal employment opportunity and **nondiscrimination with respect to handicap status.**

Rev. 11-27-84 and nondiscrimination with respect to handicap status.

Section 3 – Promotion Policy

A promotion is the assignment of an employee from a position in one class to a position in another class having a higher maximum salary.

It is City policy to promote from within the service whenever possible. Applications for any particular job may be limited to qualified City employees. Opportunities for promotion across organizational line shall be maximized.

Section 4 – Temporary Promotions

The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. Employees given temporary promotions shall be compensated in accordance with Section 2b of Chapter VII of these policies.

Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the classes to which temporarily promoted except as provided above. Nothing in these rules shall be continued to prevent the temporary or intermittent assignment of some higher level duties to an employee without additional compensation. Additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with this section.

Section 5 – Transfers

A transfer is an assignment of an employee from one position to another, not involving promotion or demotion. A transfer may occur for administrative convenience or upon the request of the employee. Transfers may be made administratively or in conjunction with an announced selection process.

Inter-departmental transfers within the same class may be approved by the department head. Interdepartmental transfers between classes must be approved by the affected department heads and the Personnel Director. Approval to transfer shall signify certification that the employee is qualified to perform the duties of the position to which the transfer is contemplated.

Section 6 – Non-disciplinary Demotions

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the City Manager and if the employee is qualified to perform the duties of the lower level position, an employee may be administratively demoted at his/her own request or as an alternative to being laid off. Demotions of this nature shall not be considered disciplinary actions or disqualify the employees involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Section 7 – Applications

Applications for employment, promotion, transfer, reinstatement, and other personnel actions shall be submitted as prescribed by the Personnel Director. Only applications officially received in the prescribed manner shall be considered. Information submitted in connection with applications for City employment is subject to verification. The Personnel Director may require supplemental information relevant to an applicant's qualifications as appropriate.

Section 8 – Evaluation

The Personnel Director shall determine the most appropriate means of evaluating applications against job qualified applicants. Interviews, medical examination, background checks, performance tests, written tests, and/or other **job related** screening procedures may be used as appropriate. Applicants shall be required to provide any job related information and undergo any job related examinations necessary to demonstrate compliance with prescribed minimum qualification requirements for the positions involved.

Section 9 – Disqualification

An applicant shall be disqualified from consideration if he/she:

- a. does not possess the qualifications necessary for performance of the duties of the position involved;

- b. has made a false statement of material fact on the application form or supplements;
- c. has committed or attempted to commit a fraudulent act on any stage of the selection process;
- d. is an alien not legally permitted to work;
- e. is below the minimum employable age prescribed by law; or
- f. has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position for which he/she has applied.

An applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements.

Section 10 – Referral and Selection

The Personnel Director shall develop standard operating procedures for referral of applicants to departments for final selection. The procedures shall provide for selecting officials to report the disposition of all referred applications and the reasons therefore.

PERSONNEL POLICIES

CHAPTER III

Appointment

Section 1 – Basis

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods.

Section 2 – Type

Appointments shall be designated permanent or temporary. Permanent appointments shall ordinarily be of indefinite duration and may be made to full-time or part-time positions. All permanent appointments are subject to the policies covering probation.

Temporary appointments may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

Section 3 – Emergency Temporary Appointments

Whenever an emergency exists which requires the services of personnel who are not otherwise available, such personnel may be immediately appointed for a period not to exceed 30 working days without regard to normal recruitment and selection requirements.

Emergency temporary appointments shall not be renewable.

Section 4 – Nepotism

No employee may directly or indirectly supervise or be supervised by a member of his/her immediate family. For purposes of this policy, the immediate family includes spouse, parent, stepparent, parent-in-law, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, grandparent, grandchild, first cousin, and any relative or other person living in the same household as the employee.

The City Manager may apply the nepotism prohibition in the case of other organizational and/or personal relationships when failure to do so would be detrimental to the City.

Rev. 11-23-93 To include aunt or uncle.

Rev. 6-22-93 A member of the immediate family of the Mayor, City Council, City Manager or Division Director shall not be appointed to serve or to be employed in any position in any department of the City. Immediate family that be defined as stated in the first paragraph of original policy.

The Mayor or any Council Member or members of the immediate family of the Mayor or Council members shall not be appointed to serve or to be employed in any paid position of the City for a period of two (2) years following the leaving of office of that family member.

Relatives employed as of the effective date of this rule are exempt from it. Should a current employee become a relative of another employee and fall under the

provisions of this rule after its implementation, one of the employees must transfer to another area, resign or face termination. This applies to both full time and part time positions.

Section 5 – Residence

There shall be no absolute residence requirement for City employment except as may be provided by law. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting range of their places of work.

Section 6 – Medical Examinations

A person selected for initial appointment or reinstatement to certain job classifications as designated by the City Manager shall undergo a medical examination at City expense in a manner prescribed by the Personnel Director. Employment shall be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved. The City Manager shall be the final authority in determining medical suitability for employment based on information provided by medical personnel. The City Manager may waive or modify the medical examination requirement for any or all part-time positions or for reinstatements following short breaks in service. With the approval of the City Manager, a department head may require that a current employee successfully undergo a medical examination to determine fitness for continued employment or for promotion or other personnel action.

Section 7- Driving Records

Rev. 6-10-86

In accordance with State Law and safe driving practices the City of Big Spring requires all drivers of City vehicles to maintain a driving record that meets City approval and standards. Failure to meet these standards will result in dismissal for current driving employees and denial of employment to prospective driving employees.

The City shall determine acceptability prior to the hiring of an applicant and shall annually check current drivers to assure all records meet the required standards for continued employment.

The guidelines listed below will be used in evaluating the driving records of both current driving employee and applicants of driving positions. A point value will be given to each incident with a total grading point system used to make an analysis and final decision in each driver's case.

A. NUMBER OF AT FAULT ACCIDENTS (within last 3 years)

	POINT
NONE	0
1	1
2	2
3	5

B. MAJOR MOVING VIOLATION CONVICTIONS POINT (within last 3 years)

Hit & run, leaving the scene of accident	6 each
Driving under the influence of alcohol & drugs	6 each
Any felony, homicide or manslaughter involving use of motor vehicle	6 each
Racing or excessive speed (20 mph over limit)	4 each
Reckless, negligent or careless driving	4 each
License suspension or revocation	3 each
Speeding	2 each

C. OTHER MOVING VIOLATIONS CONVICTIONS (Within last 3 years)

	POINT
None	0
1 or 2	1
3 and over	1

TOTAL POINTS

Best	0-2
Average	3-4
Questionable	5-6
Poor	Over 6

Questionable risk group employees shall be counseled with and alerted to the fact that any further violations will result in their dismissal.

Poor risk group employees will be dismissed from service and marked not eligible for rehire until such time their driving records, once again, meet City standards.

Questionable risk group applications may be considered for employment with the understanding that any further violations will result in dismissal. Poor risk group applicants will not be considered for employment.

PERSONNEL POLICIES

CHAPTER IV

Probation

Section 1 – Probation Period

Every person initially appointed to the City service under a Permanent appointment shall be required to successfully complete a probationary period of six months. Every person promoted in the City service shall be required to successfully complete a probationary period of six months.

If circumstances so warrant and with the approval of the City Manager, initial or promotional probation may be extended for a specified period not to exceed additional months.

Section 2 – Purpose

Department heads and supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs and the City service. Only those employees who meet acceptable standards during the probationary period shall be retained in their positions.

Section 3 – Failure of Probation

An employee shall fail probation when, in the judgment of the department head, the employee's fitness and/or quality of work are not such as to merit continuation on the job.

Failure of probation (initial or promotional) may occur at any time within the probationary period and shall not be considered part of the disciplinary process.

A promoted employee who fails probation may, at the City Manager's discretion, be returned to his/her former type of job or to any other type of job for which he/she is qualified. The employee shall be eligible for consideration for later advancement.

Department heads shall ensure documentation of all cases of failure of probation as well as counseling and other efforts to help employees during the probationary period.

Employees who fail the probationary period may appeal to the department head and then, if necessary, to the City Manager in accordance with the established appeal procedures.

PERSONNEL POLICIES

CHAPTER V

Performance Evaluation

Section 1 – Performance Evaluation Report

The work performance of each permanent employee shall be evaluated in accordance with procedures developed by the Personnel Director. Evaluations for employees on probation shall be conducted at the midpoint and upon completion of the probationary period and shall be conducted annually for other employees. Additional evaluating may be conducted annually for other employees. Additional evaluating may be conducted if requested by the department head and approved by the Personnel Director. The Personnel Director shall maintain a schedule for performance evaluations and shall send an evaluation form to the proper department head at least 10 days prior to the date each evaluation is due.

Section 2 – Purpose

The performance evaluation is designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding training, assignment, promotion, and retention of employees.

Section 3 – Counseling

Employees shall be provided copies of their performance evaluation reports. Evaluators shall individually discuss the reports with the employees and shall counsel them

regarding their careers and any improvements in performance which appear desirable or necessary.

Section 4 – Reconsideration

Employees dissatisfied with their performance evaluations may seek reconsideration by using the established appeal procedures.

PERSONNEL POLICIES

CHAPTER VI

Classification

Section 1 – Plan

The Personnel Director shall prepare and administer a position classification plan based on an analysis of the characteristics of City positions. Positions shall be allocated to appropriate classes based on objective factors. The Personnel Director shall review the duties and responsibilities of City Positions when they become vacant and shall make any necessary adjustments to the classification plan. An employee may request that his/her position be reviewed for proper classification by using the established appeal procedures.

Section 2 – Official Titles

Official class titles shall be used in all personnel matters. Working or functional titles may be otherwise used as appropriate.

PERSONNEL POLICIES

CHAPTER VII

Compensation

Section 1 – Basis

The Personnel Director shall prepare and administer a comprehensive compensation plan for City employees subject to required City Manager and City Council approval.

Employees shall be paid in accordance with the compensation plan, which may include one or more salary schedules. In positioning classes on salary schedules, consideration shall be given to internal alignment; prevailing rates of pay among public and private employers; the availability of qualified applicants; the duties, responsibilities, and qualifications required of employees in the classes; and other relevant factors.

Section 2 – Administration of Range/Step Salary Schedules

Range/Step salary schedules shall be administered in accordance with the following policies:

- a. A new employee shall normally be compensated at the minimum step of the approved salary range. In exceptional circumstances, the City Manager may authorize hiring above the minimum step. If such authorization is based on general recruitment difficulties rather than on unique qualifications of the new employee, all employees in the same class shall receive any step increases necessary to ensure that they are not compensated less than the new employee.
- b. A newly promoted employee shall ordinarily be compensated at the lowest step of the approved range which would provide an increase in pay of at least

five percent over that received in the previous class. On the date of promotion, the newly promoted employee receiving a pay increase shall begin a new waiting period for further increases. An employee being transferred shall ordinarily continue to receive the same salary and shall retain the same eligibility date for pay increases.

- c. Individual increases within a range may be granted as specified in the compensation plan upon recommendation by the department head and fulfillment of performance evaluation and other applicable requirements. Increases of this nature are called merit increases and are based on careful consideration and evaluation of the ability and performance of the employee. Employees are eligible for merit increases upon successful completion of the probationary period. Subsequently, merit increases are normally given consideration at the time of performance evaluation, but they may be given special consideration at other times.
- d. No employee shall be paid more than the maximum rate established for his/her class, except that an employee whose job was downgraded by reclassification or changes in the labor market through no fault of his/her own may continue to receive his/her former rate of pay until a rate on the new salary range equals or surpasses the old rate or until the employee's job changes.
- e. An employee voluntarily or involuntarily demoted for any reason shall be compensated on a step of new range as administratively determined.

- f. A former employee reinstated in accordance with Chapter XIII of these policies shall be compensated on a step of the approved range as administratively determined.

Section 3 – Overtime

Rev. 11-27-84 Overtime is paid time worked in excess of an employee's regularly scheduled work week. The overtime rate of pay shall be time and a half. Other considerations pertaining to overtime shall be addressed by administrative directives. Supervisors may authorize overtime based on prior approval of the City Manager. No overtime shall be paid unless approval is obtained from the City Manager or his designee. The City Manager's designee shall be all Division Directors, who in turn may assign Department Heads with the authority to grant prior approval.

Section 4 – Compensatory Time

Authorized time worked in addition to the normally scheduled work week is considered compensatory time, unless overtime is authorized. Compensatory time shall be given at the rate of time-and-a-half. Use of accumulated compensatory time shall be in accordance with departmental policy.

Rev. 5-28-96 Authorized time worked in addition to the normally scheduled work week is considered compensatory time, unless overtime is authorized. Compensatory time shall be given at the rate of time and a half. Use of accumulated compensatory time shall

be in accordance with departmental policy except that in all cases no more than 40 hours may be accumulated. Compensatory time must have prior approval of the Department Head before accumulation will be honored.

Section 5 – Standby Pay

When employees are required to remain in standby status, they shall be paid on a set basis as determined by the City Manager.

Section 6 – Insurance and Retirement

Eligible employees shall receive insurance and retirement benefits as prescribed in the applicable programs.

Section 7 – Longevity Pay

All permanent employees shall accumulate longevity pay at the rate of:

<i>Tenure</i>	<i>Amount per Year per Month</i>
<i>1 to 9 years</i>	<i>\$6</i>
<i>10 to 14 years</i>	<i>\$8</i>
<i>15 to 19 years</i>	<i>\$10</i>
<i>20 years and over</i>	<i>\$12</i>

Section 8 – Dress Standards

In order to enhance and maintain a good image to the general public, City employees must maintain the highest standards of personal cleanliness and grooming and shall present a businesslike appearance during working hours. Presenting a professional

appearance creates a favorable public impression for the City, promotes respect among co-workers and encourages higher working standards. Due to the many different types of jobs within the City, several different dress standards are necessary. Employees who are in doubt as to which dress applies should contact their supervisor. In times of extreme snow or ice, when a specific short-term job dictates, or when medical conditions exist, variations may be made in this policy by each department head.

All Employees:

1. Clothing appropriate to the scope of the job should be neat and well fitted. It should also be free of rips, holes and tears. Tight fitting clothing is not acceptable.
2. Clothing with inappropriate words, phrases, pictures or designs is not acceptable.
3. Body jewelry other than traditional earrings, rings and bracelets are not allowed. This includes, but is not limited to, nose rings, lip rings, body piercings or an inappropriate number of earrings.

Uniformed Employees:

Employees required to wear a uniform on the job will be furnished a uniform or provided with a uniform allowance. Uniforms must be worn during all working hours. Employees are responsible for maintaining their uniforms. Replacement of uniforms will be on an as needed basis with proper authorization from the department head. New uniforms will be issued only when an old uniform is turned in at the same time.

City uniforms are to be worn only while working for the City or in accordance with departmental instructions/policies.

Some departments will not issue uniforms until the employee successfully completes the six-month probationary period. While on probation, these employees may wear suitable work pants or jeans and appropriate work shirts or tee shirts. Shirts should not have

inappropriate words, phrases or designs. Both shirts and pants should be neat and free of rips, holes and tears.

Non-Uniformed Employees:

A non-uniformed employee is one who is not provided with a uniform clothing or a clothing allowance by the City. “Business Casual” is the standard of dress adopted for all non-uniformed employees.

Examples of Appropriate Clothing:

- Slacks (twill, khaki, etc.- no jeans of any type or color)
- Long or short sleeved shirts with a collar or banded collar
- Blazer or sports coat
- Sweaters or cardigans
- Knit golf shirts, polo shirts, City logo shirts
- Skirts and dresses (no more than 4 inches from the top of the knee)
- Blouses and shells
- Pant suits
- Dress footwear (leather or leather-look shoes with closed or open toes, i.e. loafers, lace-ups, pumps, **dress sandals**, boots)

Examples of Inappropriate Clothing:

- Jeans of any type or color
- Shorts
- Skorts
- Casual tee-shirts, tank tops, halter tops, off-the-shoulder blouses
- Dresses or skirts more than 4 inches from the top of the knee
- Capri pants, leggings
- Sun Dresses with narrow straps
- Provocative, low-cut, or tight fitting attire
- Sweat suits, wind suits

- **Floppy shoes, thong sandals, rubber or vinyl sandals**
- Athletic footwear

Causal Fridays:

Non-uniformed employees will be allowed to dress casually every Friday. The above standards will apply except that employees will be allowed to wear jeans and athletic footwear. If City offices are closed on Friday, employees will be allowed to observe casual dress standards on the day before the holiday.

Please remember that even on casual days, the City is still a business and must conduct and present itself in the most professional manner possible. Any deviations from this standard may cause employees to lose the casual day privilege.

Department Dress Standards:

Some departments have uniform and clothing standards that are stricter than the standards in this policy. When this policy conflicts with a department policy, the more restrictive policy will apply. **However, the department standards should be in writing as a department policy, directive or SOP.**

Policy Violations:

Employees who are inappropriately dressed will be asked **by their supervisor or the Personnel Director** to leave the workplace until properly attired. Any employee asked to leave will not be paid for time off the job for changing clothes. Continued violations of this policy will result in disciplinary action up to and including termination.

Questions regarding the implementation or interpretation of this policy should be directed to the Personnel Director **who has the authority to make a final determination regarding policy compliance. Employees should refrain from making policy interpretations to other employees about the suitability of their attire and, instead refer their questions or concerns to their supervisor or the Personnel Director.**

Section 9 – Vehicles

Employees in positions designated by the City Manager shall be provided with City vehicles or vehicle allowances.

Section 10 – Parks & Recreational Privileges

Rev. 6-10-86

All City employees, their spouse and unmarried children living in the same household, are entitled to use, free of charge, the swimming pool and Moss Lake. The Municipal Golf Course will be at a rate designated by the City Council. This privilege covers only daily entrance fee. Employees and family members are expected to comply with the rules of operation and good conduct at all times. Ineligible persons, using the privileges under the employee's name will result in the immediate loss of this benefit to the employee and his family. This privilege will expire upon termination of employment.

PERSONNEL POLICIES

CHAPTER VIII

LEAVE

Section 1 – Holidays

New Year's Day, Martin Luther King Jr.'s Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day following Thanksgiving, Christmas Day, and such other holidays as may be declared by the City Council/City Manager shall be observed as official holidays for City employees in accordance with the following policies:

Rev. 11-27-84 Two days at Christmas; Martin Luther King Jr.'s Birthday

Rev. 10-1-99 Veterans' Day added

Rev. 5-28-96 Employees who work unusual schedules such as 10 or 12 hour shifts will be allowed eight hours of holiday pay if they are scheduled to work the holiday but elect to take off on the holiday. The remaining two or four hours must be made up with comp time or vacation time. Those employees who work a holiday will receive their regular pay plus eight hours of holiday pay.

- a. As many employees as possible shall be given each holiday off consistent with the maintenance of City functions.
- b. Full-time permanent employees shall be entitled to paid holidays.
- c. Part-time permanent employees and temporary employees who would normally have worked on a day of the week observed as a holiday shall be entitled to a paid holiday for the number of hours they would have worked on that day if the holiday had not occurred.
- d. Department heads shall ensure that eligible employees working unusual schedules or on shifts receive benefits for the full number of holidays.
- e. If the holiday falls on Saturday, the preceding Friday shall be observed, and if the holiday falls on Sunday, the following Monday shall be observed.

- f. An employee in a non-pay status on the holiday or on the scheduled work day immediately preceding or following shall not receive pay for the holiday.
- g. Employees desiring to observe the religious holidays coinciding with the official holidays may be given time off without pay or may be authorized to use accrued vacation leave or compensatory time.
- h. Full-time permanent employees required to work on a holiday shall be given compensatory time off at the authorized rate. **Rev. 11-23-82 Except those referenced in paragraph d.**

Rev. 5-7-91 Paragraph – Employees regularly scheduled to work a holiday will receive pay at double time in lieu of comp time. Firefighters may, at their option, be paid for one holiday shift (24 hours) each year. Dates for double pay – June 1, September 1, April 1, (Firefighter’s option). This will be in lieu of compensation time later for that holiday shift.

Section 2 – Vacation

Full-time permanent employees shall earn one day of vacation leave per month. Part-time permanent employees shall earn vacation leave in proportion to time worked.

Rev. 11-23-82 Full time and part time permanent employees shall earn vacation time in proportion to time worked at the approved rate.

Vacation leave shall be administered according to the following policies:

- a. At the discretion of the department head, an employee may use accumulated vacation leave after six months of continuous service, provided that the employee has successfully completed the probationary period.
- b. Vacation leave shall not be earned for any month during which an employee is in pay status for less than half the standard number paid days for his/her type of job.

Rev. 11-23-92 Vacation leave shall not be earned for any time in which an employee is in time without pay status.

- c. An employee may carry over accumulated vacation leave at the end of any calendar year never to exceed each years category's maximum accumulation, unless the City Manager approves a greater carry over in advance. **Rev. 10-1-99**
- d. Employees shall be encouraged to use a substantial portion of their vacation leave each year. Payment shall be made for unused vacation leave upon separation, retirement, or death of the employee.
- e. Department heads shall schedule or approve vacations giving due consideration to the needs of the service and the interests of the employee.
- f. Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
- g. Employees being transferred, promoted, or demoted shall retain accrued vacation leave.
- h. Official holidays occurring during a vacation shall not be charged to vacation leave.
- i. Vacation leave day increments with the approval of the department head.
- j. Vacation leave shall not be advanced to employees except in unusual circumstances with the approval of the City Manager.
- k. Vacation leave credits are not transferable between employees.

Full time permanent employees shall earn time based on the following schedule:

- 1 thru 2 years earn – 40 hours per year**
- 3 thru 4 years earn – 80 hours per year**
- 5 thru 9 years earn – 120 hours per year**
- 10 thru 14 years earn – 136 hours per year**
- 15 thru 19 years earn – 144 hours per year**
- 20 thru 24 years earn – 152 hours per year**
- 25 or more years earn – 160 hours per year**

Part time permanent employees shall earn vacation leave in proportion to time worked at the above stated schedule.

The above provision will become effective for all employees hired after October 1, 1987. Civil Service employees under Chapter 143 of the Texas Local Government code shall earn time based on the following schedule:

0 through 9 years – 180 hours per year

10 through 14 years earn – 196 hours per year

15 through 19 years earn – 204 hours per year

20 through 24 years earn 212 hours per year

25 years or more earn – 220 hours per years

Paragraph c – An employee may carry over accumulated vacation leave at the end of any calendar year never to exceed each yearly category’s maximum accumulation, unless the City Manager approves a greater carryover.

Paragraph d – Employees shall be encouraged to use a substantial portion of their vacation leave each year. Payment shall be made for unused vacation leave upon separation, retirement or death of the employee only after one year of employment.

Paragraph 1 – An employee who works a full year without taking sick leave may sell back to the City, for cash, up to five (5) of the employees accumulated vacation days. The year will begin on December 1 thru November 30 and payments for time will be paid the first day period in December.

Section 3 – Sick Leave

Permanent employees shall be allowed paid sick leave in accordance with the following policies:

- a. A full time employee shall earn one day of sick leave per month of service. Part time permanent employees shall accumulate sick leave in proportion to time worked.

Rev. 11-23-82 Full time and part time employees shall earn sick leave in proportion to time worked at the approved rate.

- b. The City Manager shall have the authority to advance sick leave.
- c. Sick leave shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days for his/her type of job.

Rev. 11-23-82 Sick leave shall not be earned for any time in which an employee is in time without pay status.

- d. If an employee requesting sick leave does not properly notify the supervisor or Department head, he/she shall be considered absent without leave during any time away from work.
- e. Sick leave may be taken in increments of one hour of work because of personal illness, illness of a member of the immediate family resident in the employee's household, injury, legal quarantine, or routine health care appointment which cannot reasonably be scheduled outside working hours.
- f. The City may request and obtain verification of the circumstances surrounding any use of sick leave.
- g. Earned vacation leave may be used to supplement sick leave.
- h. Sick leave credits are not transferable between employees.
- i. Employees shall not be entitled to sick leave when absent from work for the following reasons: sickness or disability purposely inflicted or caused by willful misconduct; sickness or disability sustained during periods of leave without pay or absence without leave; or sickness or disability acquired as a result of another job.
- j. Upon separation, except by reason of layoff, all sick leave shall be canceled. If an employee returns to work with the City within three months of his/her separation sick leave that had been accumulated shall be restored..
- k. After an ill or injured employee uses all available sick leave, vacation leave, and compensatory time, the employee shall be placed on leave without pay.

Rev. 8-11-87

Section 3 – Sick Leave

Paragraph a – A full-time employee shall earn time based on the following schedule: 1 thru 2 years earn – 5 days per year. 3 thru 4 years earn – 10 days per year. 5 thru 9 years earn – 12 days per year. 10 years & up earn – 15 days per year.

Part time permanent employees shall earn sick leave in proportion to time worked at the above stated schedule.

The above provision will become effective for all employees hired after October 1, 1987 with exception of Firefighters. They shall earn as per 1269M. All other employees will earn time at the current 15 days per year.

Paragraph b – The City Manager shall have the authority to advance sick leave. Advanced sick leave must be paid back from future accumulated sick time.

Paragraph f – The City may request and obtain verification surrounding any use of sick leave: an employee who takes one day of sick leave in conjunction with other time off must furnish a doctor's excuse or time will automatically be charged to vacation. An employee who uses three consecutive days of sick leave, Firefighters more than one shift, must furnish a doctor's excuse. At the supervisor's discretion he may request a doctor's excuse for time off other than mentioned above.

Paragraph 1 – Rev. 5-28-96 Five days of sick leave shall be granted for funeral leave for immediate family further defined as parents, brothers, sisters, parents-in-laws, grandparents, children, and stepchildren even if they live outside the employees household.

Paragraph m – Employees with 10 years of service and up will earn payable sick leave but will only receive pay if the employee retires under the Texas Municipal Retirement System with the City of Big Spring. Payable sick time at retirement may not exceed 90 days. Firefighter's sick leave shall be as per chapter 143.

Paragraph n – Sick time accumulated from October 1, 1985 thru September 30, 1987 is payable and will be paid anytime the employee leaves employment. After the above cut off date sick leave will not be paid unless provisions in the above paragraph are met.

Paragraph o – Sick time taken will be charged against the following earned balances:

First – Balances earned from October 1, 1985 thru September 30, 1987.

Second – Balances earned after October 1, 1987.

Third – Balances earned prior to October 1, 1985.

Sick leave taken will always be charged to payable sick balances first. Sick leave taken by Firefighters will always be charged to payable sick balance first.

Family Leave and Medical Act

Paragraph p – Rev. 11-8-94 In Accordance with the “Family Leave and Medical Act” (FMLA), the City of Big Spring must provide eligible employees up to 12 weeks of unpaid leave per year for certain family reasons; continue health coverage for the employee during the FMLA leave; and return the employee to the same or equivalent position and employment benefits if the employee returns to work after the FMLA leave.

Eligibility – You must have been employed for 12 months and have worked at least 1250 hours during the previous 12 months to be eligible for FMLA leave.

Leave requirements – up to 12 weeks of unpaid leave may be taken in any 12 month period for one or more of the below reasons:

- Birth of child and care after such birth
- Placement of child for adoption or foster care
- Serious health condition of spouse, child or parent of the employee
- Serious health condition of the employee (where employee is unable to perform job)
- Serious health condition means a physical or mental condition that involves:
 - Inpatient care or continuing treatment by a health care provider.
 - If inpatient care is not required, an absence from work/school/ other regular daily activities for more than three days that also involves continuing treatment by a health care provider.

Leave for a serious health condition may be taken intermittently or on a reduced schedule, with a minimum length of one hour if “medically necessary”. The City of Big Spring can transfer you to an “alternative position” to accommodate your intermittent or reduced schedule leave. The City of Big Spring may require a certification of the condition and may require a second opinion.

Leave for birth/adoption or placement must be within 12 months of birth or placement and may begin before the birth of the child. Such leave must be taken all at once, and intermittent or reduced scheduled leave is not permitted. If both spouses are employed by the City of Spring the 12 weeks are combined. The 12 weeks are based on a “rolling” 12 month period measured backward from the date an employee used FMLA leave.

At the time FMLA leave is granted, vacation and sick leave will be paid first. Sick leave may be used only as prescribed by the City of Big Spring Personnel Policies and Procedures. Once paid leave has been exhausted, unpaid leave can be used up to the 12 week maximum.

The same health benefits provided to you prior to taking FMLA leave must be maintained during the FMLA leave. The City of Big Spring will continue to pay the cost of your employee coverage, but you must pay the cost for continued dependent health coverage. Payments should be made to the City of Big Spring on a monthly schedule.

If you desire to continue other types of benefits such as the Cafeteria Plan and other payroll deducted insurances, you must make specific arrangements for continuation and payment of the required cost.

If you do not return to work following FMLA leave, the City of Big Spring is allowed to recover its share of the health care contributions paid during the FMLA leave unless specifically excepted by law. An employee who does not return to work for at least 30 calendar days is considered to have failed to “return” to work for this purpose.

You must provide the City of Big Spring at least 30 days notice before taking FMLA leave if the leave is a foreseeable event. Failure to meet the 30 day notice requirement does not result in forfeiture of leave but may delay leave. Notice is required “as soon as practicable” (generally within two business days) if the leave is not foreseeable or if 30 days’ notice is not practical. Written notice is required. Taking of leave may be denied if requirements are not meet.

You will be required to furnish medical certification for serious health condition leaves and to periodically report on your intent to return to work. You will be required to submit a “fitness for duty” report (medical certification) before returning to work following leave for your own serious health condition.

Section 4 – Pregnancy and Maternity

A pregnant employee is expected to make her own decision, in consultation with her physician, as to when she will cease working. Except in emergencies, at least 10 working days’ written notice of cessation of work shall be required. When giving notice of cessation of work, the employee shall include a statement of her intentions concerning resumption of work. If an employee desires to return to work after pregnancy, the employee’s contributions to the retirement fund must remain on deposit during the period of leave.

When the employee seeks to return to work, she shall be required to furnish a statement from her physician to the effect that her physical condition permits the resumption of employment without endangering her health.

Employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of temporary illnesses or disabilities.

Available sickness or disability benefits may be used for the time during which the employee is medically unable to work.

The City may require periodic medical reports concerning the employee's status and availability to return to duty.

Section 5- Injury on the Job

An employee injured in the line of duty shall receive workers' compensation and injury leave benefits under terms and conditions prescribed in the applicable programs.

Workers' compensation benefits shall be turned over to the City so the employee can receive full salary checks. An employee must report any job related injury, however minor, to his/her supervisor within 48 hours.

Time lost because of any injury sustained during the course of employment shall not be charged against the employee's sick leave. During such absence, sick leave and vacation leave shall continue to accumulate not to exceed the prescribed maximums. Reports of medical condition may be required by the City. The City Manager shall periodically review all cases and make a determination regarding continuation, reduction, or termination of salary benefits.

Section 6 – Military Leave

Military leave shall be granted in accordance with applicable State and Federal laws. Employees preparing to take authorized military leave shall furnish their department heads with copies of military orders or other appropriate certification.

Section 7 – Emergency Leave

Rev. 5-28-96 Five days of sick leave shall be granted for funeral leave for immediate family further defined as parents, brothers, sisters, parent-in-laws, grandparents, children, and stepchildren even if they live outside the employees household.

Section 8 – Administrative Absence With Pay

Employees shall be granted sufficient administrative absence with pay, when necessary, in order to vote in an official election. Employees called for jury service shall be granted administrative absence with pay during such service and shall retain fees paid by the courts. Employees excused or released from jury service during working hours shall report to their work stations unless otherwise instructed.

All employees in the City service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations for other positions within City service. This shall also include hiring interviews. The amount of time allowed for this activity shall be limited as prescribed by the City Manager.

Section 9 – Authorized Leave Without Pay

In circumstances not falling within other provisions of these policies, the City Manager may authorize an employee to take leave without pay under such terms and conditions as may be mutually agreeable.

Benefits shall not accrue for any month during which an employee on leave without pay is in pay status for less than half the standard number of paid days for his/her type of job. An employee returning to work after leave without pay which extends for more than three months shall be given adjusted service or seniority date and an adjusted anniversary date for merit increase purposes. An employee on leave without pay who desires to continue insurance and/or retirement coverage must arrange to make payments required for such coverage.

Section 10 – Absence Without Leave

An employee failing to report for duty or remain at work as scheduled without proper notification, or excuse shall be considered absent without leave and shall not be in pay status for the time involved. Being absent without leave constitutes abandonment of duties which may result in dismissal.

PERSONNEL POLICIES

CHAPTER IX

Conduct

Section 1 – Attendance

Employees shall be at their places of work in accordance with City and departmental policies and regulations. Department heads shall establish work schedules and maintain daily employee attendance records.

Rev. 7-11-2000 All City employees hired after July 12, 2000 must live within a 30-minute travel time to their work station. This 30- minute response time requires the employee to travel at the posted speed limits and does not allow for emergency driving. This does include all job classifications.

Section 2 – Work Standards

It is the duty of each employee to maintain high standards of productivity, cooperation, efficiency, and economy in his/her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement shall ordinarily precede formal disciplinary action, but nothing can and shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the City requires.

Section 3 – Political Activity

Except as may be otherwise provided by law, the following restrictions on political activity shall apply to City employees:

- a. Employees shall refrain from using their positions or influence for or against any candidate for public office in any jurisdiction or any referendum or petition on a public issue in any jurisdiction.
- b. Employees shall not circulate campaign literature for or against any Candidate for City elective office or any referendum or petition on a City issue or be in any way concerned with soliciting or receiving any related subscription, contribution, or political service.
- c. Employees shall not use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service or to circulate campaign literature for or against any candidate for public office in any jurisdiction or any referendum or petition on a public issue in any jurisdiction.
- d. Employees shall not in any manner contribute money, labor, time, or other valuable goods to any person for purposes related to any type of City election.
- e. No employee may seek or hold an appointive or elective City office of public trust, partisan office in any jurisdiction, or any other office where service would constitute a direct conflict of interest with City employment, with or without enumeration. If an employee decides to seek or assume such office, he/she shall resign from the City service or shall be dismissed for failure to do so.

Rev. 1-14-92

- f. **While in uniform or on duty or in a City vehicle, a City employee may not take an active part in another person's political campaign for an elective position of the municipality or referendum.**
- g. **For the purposes of this section, a person takes an active part in a political activity if the person:**

- (1) makes a political speech;**
 - (2) distributes a card or other political literature;**
 - (3) writes a letter;**
 - (4) signs a petition;**
 - (5) actively and openly solicits votes; or**
 - (6) makes and openly solicits votes; or makes public derogatory remarks about a candidate for an elective position of the municipality.**
- h. A City employee may not be required to contribute to a political fund or to render a political service to a person or a party. A City employee may not be removed, reduced in classification or salary, or otherwise prejudiced for refusing to contribute to a political fund or to render a political service.**
 - i. A municipal official who attempts to violate Subsection C violates this Section of the Personnel Policy.**
 - j. Except as expressly provided by this section, the municipality's governing body may not restrict a city employee's right to engage in a political activity.**

Section 4 – Solicitation

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with approval of the department head. No employee may be required to make any contribution or may be penalized in any way in connection with his/her employment based on the response to a solicitation.

Section 5- Outside Employment

An employee shall not engage in outside employment, including self-employment, where such activity would constitute a conflict of interest or would adversely affect the employee's performance in the City service. Outside employment must be reported to the department head. If an employee's outside employment begins to interfere with the Effective performance of assigned City duties, the employee shall be required to terminate the outside employment or to resign from the City service.

Section 6 – Acceptance of Gifts

All employees, regardless of position, are prohibited from accepting gifts or gratuities from individuals or firms with which the City does business. In many instances, businesses have a policy of giving gifts during holiday seasons, and the refusal or return of such gifts could create unnecessary ill will for the City. Under these circumstances, gifts of a value of \$25.00 or less may be accepted. Under no circumstances may gifts of cash be accepted.

PERSONNEL POLICIES

CHAPTER X

Disciplinary Action

Section 1 – Grounds

Disciplinary action may be taken against an employee for just cause. Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive or unsafe acts; violation of City or departmental rules, regulations, policies, or procedures; insubordination, inefficiency; neglect or abandonment of duties; abuse of illness, injury, disability, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages on the job; waste, damage, or unauthorized use of City property or supplies; unauthorized use or disclosure of official information; and unauthorized or improper use of official authority.

Section 2 – Types

Disciplinary action shall be consistent with the nature of the deficiency or infraction involved and with other relevant factors. Formal disciplinary action shall include oral reprimand, written reprimand, suspension without pay for up to 15 calendar days, demotion, and dismissal.

Any of these types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he/she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct. Discipline shall be administered in an equitable manner for like offenses.

Section 3- Documentation

Department heads shall submit documentation of any disciplinary actions and the surrounding circumstances to the Personnel Director for inclusion in the official personnel files of the employees involved.

PERSONNEL POLICIES

CHAPTER XI

Employee Appeals

Section 1 – Grounds

Employees dissatisfied with specific working conditions, their performance evaluations, Their position classifications, failure of probation (either initial or promotional), or any other job related situations may appeal to management. Additionally, employees who believe they have been subjected to unfair treatment or discrimination may appeal to management. Additionally, employees who believe they have been subjected to unfair treatment or discrimination may appeal.

Section 2 – Appeal Procedures

Employees are encouraged to informally take any job related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a matter subject to appeal procedures may submit a written appeal to his/her supervisor or, in the case of failure of probation, directly to the department head. This appeal must be filed within five calendar days after the occurrence of the event or after the employee becomes aware of the event giving rise to the appeal, except that an employee dismissal must be appealed in writing within five working days of the employee's actual or constructive receipt of written notification of his/her dismissal. The initial recipient of an appeal shall forward a copy to the Personnel Director, who shall participate in the processing of the appeal when necessary to clarify or interpret policy.

It shall be the responsibility to the immediate supervisor to study the appeal and attempt to resolve it within three working days. Further discussions with the employee shall be encouraged. If the appeal cannot satisfactorily be resolved within the time limit, the immediate supervisor shall refer it with comments/and/ or recommendations to the next

higher level of supervision, and so on up to the City Manager if necessary. Supervisors and employees should make every effort to resolve appeals at the lowest possible level. Employees shall be kept informed of the status of their appeals. If a person in the supervisory chain fails to resolve or refer an appeal within three working days, the employee may present the appeal directly to the next higher level of supervision. Each person in the supervisory chain shall ensure that the employee presenting an appeal is not subject to reprisal and that the processing of the appeal is conducted in the most objective manner possible, with maximum confidentiality.

Section 3. Disciplinary Hearing For City Employees

A. Complaints. Before a complaint against a City employee may be considered by the Charging party as defined in subsection B(4), the complaint must be placed in writing and signed by the person making the complaint. A copy of the signed complaint must be presented to the affected City employee no later than one hundred and eighty (180) days after the complaint is filed and before any disciplinary action may be taken against the affected City employee. The charging party is hereby restricted to his original written statement and charges against the City employee, which shall not be amended, and no act or acts may be complained of by said charging party which did not happen or occur within one hundred eighty (180) days immediately preceding the date of disciplinary action by the City manager.

B. Disciplinary Action. If disciplinary action is taken against a City employee who has been employed as an employee for more than three hundred and sixty-five (365) days, and has exhausted all internal appeal procedures, the employee is entitled to a public hearing before a Retired District Judge on the written statement and charges against the employee and the disciplinary action taken. In this charter provision:

- (1.) “Retired District Judge” means a qualified neutral to which authority has been delegated to hear appeals of disciplinary action against an employee.

- (2.) “Employee” means any employee of the City of Big Spring except the City Manager and department heads.**
- (3.) “Disciplinary action” includes termination, suspension, and demotion.**
- (4.) “Charging Party” means the City manager, director, department head or City employee with the authority and power to file written disciplinary charges.**

To obtain the hearing , an employee must file a written request with the City secretary no later than the fifteenth (15th) day after the City employee received the written statement and charges from the charging party.

The employee and the charging party shall forthwith endeavor to select a mutually agreeable Retired District Judge. If the parties are unable to agree upon a Retired District Judge within ten (10) days after the City employee files his appeal, the parties shall promptly request that a judge of the 118th judicial district court appoint a Retired District Judge. If an appointment cannot be made, a provider service can name a Retired District Judge to hear the disciplinary action.

The parties shall set the earliest date possible that is available to the Retired District Judge for a hearing. If the Retired District Judge cannot hear the case within forty-five (45) days of his selection, the parties shall request another judge.

Each Party shall pay one-half of any deposit required by the Retired District Judge. The deposits from each party will be applied to the fees and expenses of the Retired District Judge. The remaining fees and expenses of the Retired District Judge shall be borne by the ‘non-prevailing , if any , as determined by the Retired District Judge. Each party shall pay the costs of their own witnesses.

The employee is entitled to:

- (1) examine any document, paper, book, or material considered in the formation of the charges of necessary to establish a proper defense.**
- (2) be represented by counsel or by a person of his choice; and**
- (3) present witnesses in his defense and cross-examine any adverse witness.**

The hearing must be fair and impartial, and the Retired District Judge shall determine if the facts justify the disciplinary action taken against the employee. The Retired District Judge may consider only the evidence presented at the hearing. Disciplinary action may not be taken against an employee without good and reasonable cause.

The Retired District Judge shall either uphold the disciplinary action, dismiss it, or reduce it. The decision of the Retired District Judge is final and binding on all parties.

PERSONNEL POLICIES

CHAPTER XII

Non disciplinary Separation

Section 1 – Resignation

An employee desiring to leave the City service in good standing should submit his/her resignation in the prescribed manner at least 10 working days in advance. The City Manager may waive any portion of the notice period.

Section 2 – Layoff

An employee may be laid off because of changes in duties or the organization or for lack of work or funds. Whenever possible, an employee laid off from one City department shall be transferred to a suitable position elsewhere. Whenever possible, at least two weeks notice shall be given an employee prior to layoff.

Layoffs shall be carried out on the basis of demonstrated job performance with the most proficient employees being retained the longest period. Seniority within the City service may be used to determine the order of layoff among employees with substantially equivalent records of job performance, with the most senior employees being retained the longest. Temporary employees shall be laid off before permanent employees performing similar duties, and part time employees shall be laid off before full time employees performing similar duties who have completed their probationary periods. Layoffs shall not be considered disciplinary actions.

Section 3 – Incapacity

An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position. **Rev. 11-27-84 And when the City cannot provide “reasonable accommodation” to the incapacitated**

individual and a specific position. A finding of incapacity shall be made through individual medical determination by a competent authority as prescribed by the Personnel Director.

Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee to use any accrued illness, injury, disability, or other benefits.

Section 4 – Retirement

Eligible employees may be separated by retirement in accordance with the applicable programs. An employee shall normally be required to retire at the end of the calendar year in which he/she becomes 70 years of age. However, in October of that year, he/she may request a waiver allowing employment during the following calendar year and may request additional one year waivers each subsequent October. Any employee 70 years of age and over may continue employment on a year-to-year basis provided he/she continues to satisfactorily perform the duties of the position.

PERSONNEL POLICIES

CHAPTER XIII

Reinstatement

Section 1 – After Separation

A person who is separated in good standing may be reinstated to his/her former type of position within three months following separation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the interest of the City.

Rev. 11-23-82 A person who is separated in good standing may be reinstated, with loss of seniority, to his/her former type of position within three months following separation, provided the person remains qualified to perform the duties of the position, and has not withdrawn funds from the TMRS, such reinstatement must be approved by the City Manager.

Section 2 – After Layoff

A person who was laid off, including a temporary employee separated upon completion of duties, may be routinely recalled to work at any time provided the person remains qualified to perform the duties of the position.

Section 3 – Veterans

Employees who left the City service to enter on duty with the Armed Forces of the United States shall be eligible for reinstatement in accordance with applicable State and Federal laws.

Section 4 – Re-employment

Former employees not eligible for reinstatement under specific provisions of this chapter may be considered for employment as members of the general public. Provisions governing restoration of sick leave credits shall not apply.

Rev. 11-23-82 Section 4 – Re-employment

Former employees not eligible for reinstatement under specific provisions of this chapter may be considered for employment as members of the general public. Provisions governing restoration of sick leave credits shall not apply. Employees who have worked for the City a total of two separate permanent appointments will not be considered for future openings without the approval of the City Manager.

PERSONNEL POLICIES

CHAPTER XIV

Personnel Files and Reports

Section 1 – Personnel Files

The Personnel Director shall maintain personnel files for all City employees. Unless otherwise provided by law, personnel files and information shall be confidential and may not be used or divulged for purposes or connected with the City personnel management system except with the permission of the employees involved. Nothing herein shall prevent the compilation and use of impersonal statistical information. An employee shall have the right of inspection of his/her official personnel file under procedures prescribed by the Personnel Director.

Section 2 – Status Changes

Department heads shall report changes in the official and personal status of their employees in accordance with procedures developed by the Personnel Director.

Section 3 – Personnel Reports

The Personnel Director shall prepare such rosters, narrative reports, statistical summaries, and other reports as are necessary or desirable to provide information to management.

Section 4 – Application Forms

All persons seeking employment in the City service shall complete employment application forms approved by the City Manager. Application forms shall require background information concerning training, experience, and other pertinent job related matters. All applications must be signed. The Personnel Director may require proof of statements or claims on an application as he/she deems appropriate. Employment application forms shall only require information necessary to process the applications,

directly related to job requirements, required for pre-employment investigation purposes, or necessary to evaluate the effectiveness of the City equal employment opportunity program. Certain race/ethnic/sex information may be obtained for statistical and program evaluation purposes but shall not be used in the selection process.

Section 5 – Exit Interviews

With the cooperation of the employee, an exit interview shall be conducted upon an employee's separation from the City service regardless of length of service, position, or the circumstances of separation.

The Personnel Director or his/her designee shall be responsible for conducting all exit interviews. The Personnel Director shall ensure, if possible, that each employee is interviewed prior to his/her separation from City employment. Results of exit interviews shall be recorded on forms prescribed by the Personnel Director.

At the time of the exit interview or just prior to the employee leaving his/her department, all City property such as keys, identification cards, and uniforms shall be collected.

PERSONNEL POLICIES

CHAPTER XV

Drugs, Usage, and Treatment

Rev. 5-7-91

The Drug-free Workplace Act of 1988 was passed by the Congress as part of its response to the concerns of society over the increasing use of drugs in the Workplace. Companies and organizations are required to comply with this law if they are awarded any federal contracts or grant monies amounting to \$25,000 or more per year. Additionally and in accordance with the Texas Workers Compensation Act, employers with 15 or more employees who maintain worker's compensation coverage must adopt a written policy on the elimination of drug abuse in the Workplace.

The City of Big Spring is committed to providing a drug-free environment for the health, safety, and security of our employees and will voluntarily comply with the 1988 Drug-Free Workplace Act and the Texas Worker's Compensation Act. Accidents and injuries throughout the nation which are caused by or related to drug and alcohol abuse are increasingly frequent and have reached alarming proportions. Illegal drug usage adds enormously to the national cost of health and rehabilitation services. These rising medical costs are borne equally by all of our employees and by the City. We encourage every employee to participate actively in the war against drugs. Only through our combined efforts can we be successful.

- 1. The unlawful distribution, dispensation, possession, sale, use or manufacture of a controlled substance and/or alcohol on alcohol on City premises or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action up to and including termination and legal consequences.**

- 2. Employees are expected and required to report to work on time and fit for duty; that is, in appropriate mental and physical condition to perform their job duties. Reporting to work under the influence of alcohol, or traceable amount of controlled including illegal inhalants, will not be acceptable, nor will the use of legally obtained prescription drugs to the point that ability to function in a safe and efficient manner is impaired.**

- 3. All “street drugs” are controlled substances. Some controlled substances are prescription drugs that can be used legally under the direction of a physician; however, the use of prescription drugs without a prescription is illegal and a violation of this policy.**

- 4. The City recognized substances abuse as a major health, safety, and security problem. Employees needing help in dealing with substance abuse problems encouraged to seek appropriate assistance either on their own or by contacting the Personnel Director for assistance program details. The City has provided free medical insurance benefits for our employees which may help ease the financial burden of professional assistance. Voluntary efforts to seek help will not be noted in any personnel records or reports.**

- 5. Employees observing or hearing about violations are expected to report them immediately to the department head or to the Personnel Director. Failure to report known violations of this drug and alcohol policy will be cause for disciplinary action up to and including termination.**

- 6. In accordance with the Drug-Free Workplace Act employees are mandated to report any convictions of drug usage on City premises or while conducting City Business within five business days of conviction or this policy will be considered violated and resulting in cause for disciplinary action up to and including termination.**

PERSONNEL POLICIES

CHAPTER XVI

Sexual Harassment Purpose, Responsibilities and Actions

A. Purpose:

Sexual Harassment, either physical or verbal, is a violation of state and federal laws which may subject the individual harasser to civil and criminal liability.

B. Definition:

Sexual Harassment is any repeated or unwanted verbal or nonverbal sexual advances, sexually explicit derogatory remarks, or statements made in the workplace which the person making such actions or statements knows or should know are offensive or objectionable to another; which causes another discomfort or humiliation; or which interferes with job performance; and which includes the following:

1. Submission to the conduct is either an explicit or implicit term or condition of employment, or,
 2. Submission or rejection of the conduct is used as a basis for employment decisions affecting the employee, or,
 3. The conduct has the purpose or effect of substantially interfering with work performance, or creating an intimidating, hostile or offensive work environment.
- Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that lowers morale and therefore interferes with work effectiveness.

C. Policy:

The City will maintain a workplace free of sexual harassment or intimidation.

CONDUCT IN VIOLATION OF THIS POLICY IS NOT WITHIN THE COURSE AND SCOPE OF EMPLOYMENT AND MAY SUBJECT THE PERSON PARTICIPATING IN SUCH CONDUCT TO CRIMINAL PROSECUTION. THE CITY WILL NOT TOLERATE SUCH CONDUCT ON PART OF ANY OFFICERS OR EMPLOYEES. A FINDING OF SEXUAL HARASSMENT CAN RESULT IN A WARNING IN THE HARASSER'S PERSONNEL FILE, TRANSFER, DEMOTION, SUSPENSION WITH OR WITHOUT PAY, OR TERMINATION.

D. Responsibility:

1. Supervisor's Responsibility:

- a. Each supervisor has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual treatment.
- b. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment.

2. The Employee's Responsibility:

- a. Any employee who believes he or she has been subjected to harassment prohibited by this policy should immediately tell the harasser to stop his or her unwanted behavior and immediately report that behavior as outlined below.
- b. An employee who believes that he or she is being harassed should report the incident(s) to his or her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where it is not practical to report the incident(s) to the immediate supervisor (such as where the supervisor is unavailable or where the allegation of misconduct involves the supervisor) the employee may instead report the incident(s) to another supervisor or to the Personnel Director.
- c. If an employee becomes aware of harassing conduct, regardless of whether such harassment directly affects that employee, the employee should immediately report that information to a supervisor or the Personnel Director.

3. The Administration's Responsibility:

- a. It is the responsibility of the Personnel Director to inform supervisors and employees of the policy concerning sexual harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation is made.
- b. The Personnel Director shall respond to all complaints in accordance with this policy.
- c. The Personnel Director shall prohibit retaliation of any kind against employees who, in good faith, bring sexual harassment complaints or assist in investigating complaints.
- d. The Personnel Director shall hold all employee complaints in strict confidence except to the extent necessary to investigate and prosecute the complaint or unless disclosure is required by state law.

E. Procedure for Complaint:

1. All complaints will be immediately forwarded to the Personnel Director.
2. Complaint To Be In Writing:
 - a. The individual alleging sexual harassment must provide details of the alleged conduct in writing in order for the City to pursue the complaint.
 - b. If the complainant refuses to provide details sufficient to allow the City to properly investigate the complaint, the matter may or may not be further investigated by the City. The determination as to whether to further investigate shall to be at the discretion of the Personnel Director and the City Attorney in consultation with the City Manager.

F. Investigation:

1. Immediately upon receipt of a complaint of sexual harassment, the Personnel Department will conduct a thorough investigation to determine if sexual Harassment has occurred or if any policy has been breached. If such investigation Confirms the allegation, appropriate disciplinary action up to and including

dismissal will be taken. Any evidence deemed relevant may be considered during the investigation and review of the complaint including but not limited to:

- a. Nature and seriousness of the complained action;
- b. The effectiveness and advisability of counseling;
- c. Any contribution on the part of the complainant.
- d. Previous substantiated sexual harassment allegations against the respondent.

G. Suspension During Investigation:

- a. If the circumstances warrant, the respondent may be suspended with or without pay for a period not to exceed two (2) weeks, pending a complete investigation.

H. Respondent's Written Answer:

- a. After the Personnel Director has completed the initial investigation, the respondent will be given a copy of the complaint filed against him or her and shall be informed of the seriousness of the allegation. The respondent will have the opportunity to respond to the allegation in writing within forty-eight (48) hours after receipt of a copy of the complaint. In the event the respondent requires additional time to prepare a response, the respondent may request additional time from the Personnel Director. A request for additional time may not be unreasonably denied.

I. Decision:

Following receipt of the respondent's answer and the completion of any additional investigation, a written decision will be delivered to the complainant and the respondent. The decision may include, but should not necessarily be limited to, no adverse personnel action, counseling, admonishment, reprimand, transfer of department, demotion, suspension with pay, suspension without pay, and/or termination of employment.

J. Appeal of Decision:

1. The decision may be appealed in accordance with Chapter XI of the City of Big Spring Personnel Policies and Procedures.

K. Records of a Sexual Harassment Complaint Kept Separate:

1. All records concerning a sexual harassment complaint shall be kept in a locked file in the Personnel Department. Access shall be only with the Personnel Director's approval to parties who have a direct and relevant need to know, unless access is otherwise required by state law.

PERSONNEL POLICIES
CHAPTER XVII
Drug Policy
Introduction & Purpose
May 1993

The Drug-Free Workplace Act of 1988 was passed by Congress as part of its response to the concerns of society over the increasing use of drugs in the Workplace. This Act requires that all grantees and contractors receiving funds of \$25,000 or more must certify as a drug-free Workplace. Additionally and in accordance with the Texas Workers Compensation Act, employers with 15 or more employees who maintain worker's compensation coverage must adopt a written policy on the elimination of drug abuse in the Workplace.

The City of Big Spring is committed to providing a drug-free environment for the health, safety, and security of our employees and will voluntarily comply with the 1988 Drug-Free Workplace Act and the Texas Worker's Compensation Act.

Section 1 – Illegal Usage

Illegal drug usage adds enormously to the national cost of health and rehabilitation services. These rising medical costs are borne equally by all of our employees and by the City. We encourage every employee to participate actively in the war against substance abuse. Only through our combined efforts can we be successful.

Accidents and injuries throughout the nation which are caused by or related to drug or

alcohol abuse are increasingly frequent and have reached alarming proportions. The City of Big Spring recognized that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision making, and reduced productivity. Therefore, the City of Big Spring expects all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently during work hours.

The City recognized the serious duties and responsibilities entrusted to our employees and that drugs and alcohol can hinder a person's ability to perform and fulfill these duties. The objective of this policy is to develop a drug-and-alcohol free Workplace which will ensure a safe and productive work environment. In order to further this objective, the following rules and guidelines have been established to all employees in respect to use, possession, distribution, or being under the influence of drugs or alcohol during working hours.

Section 2 – Scope

This policy applies to all City of Big Spring Non-Civil Service and Civil Service employees, prospective and current, regardless of position. Civil Service employees, and sworn Police Officers may be governed by more restrictive policies required by Local Government Code 143 or department rules and regulations.

THE CITY OF BIG SPRING CONSIDERS SUBSTANCE ABUSE
TO BE A DIAGNOSABLE AND TREATABLE ILLNESS. OUR

POLICIES AND PROCEDURES ARE DESIGNED TO CREATE CONFIDENTIALITY IN TEST RESULTS, MEDICAL, AND COUNSELING RECORDS. EMPLOYEES FOUND IN VIOLATION OF THESE CONFIDENTIALITY IN TEST RESULTS, MEDICAL, AND COUNSELING RECORDS, EMPLOYEES FOUND IN VIOLATION OF THESE CONFIDENTIALITY REQUIREMENTS WILL FACE DISCIPLINARY ACTION.

Section 3 – Policy

1. The unlawful manufacture, distribution, possession, sale, purchase, or use of a controlled substance on City property is prohibited.
2. Being under the influence of alcohol, inhalants, or other drugs on City premises or while representing the City off-premises is prohibited. The unauthorized use or possession of prescription drugs or over-the counter drugs on City premises or while representing the City off-premises is prohibited.
3. Employees who violate the drug abuse policy are subject to appropriate disciplinary action up to and including termination and/or legal consequences.
4. The City shall implement a comprehensive drug and alcohol abuse education program. As part of that program, information will be provided on the availability of employee program services.
5. Alcoholism and other drug addiction are recognized as diseases responsive to proper treatment, and treatment will be an option as long as the employee

cooperates. Employees with a drug and/or alcohol problem must voluntarily come forward in EAP. Employees that are found to be using drugs or alcohol through other means will be subject to termination with no chance for employee assistance. Employee Assistance Program (EAP) services will be made available to assist employees, who voluntarily seek help.

6. The policy applies to all employees of the City regardless of rank or position and includes temporary and part-time employees.

Section 4 – Responsibility

The employee must act as a responsible representative for the City and as a law abiding citizen. It is his/her responsibility to report known use, sale, possession or distribution of drugs on City property or in City vehicles to his/her immediate supervisor. Employees are required to inform their supervisors of any use of prescribed medicine that could affect their performance. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair his/her job performance.

When reporting such use, the employee is required to have a written statement from their doctor regarding the prescription's effect on the employee's performance of job duties and present this to his/her supervisor. When risk of accident potential are unacceptable, the employee will be directed to take leave with or without pay, or be reassigned to an existing vacant position until the use is discontinued.

Employees who seek to help will be allowed time off for rehabilitation therapy which will be charged to the employee's accumulated, sick and/or vacation time. In the event

no time has been accumulated time off for rehabilitation will be considered as approved time off without pay. Eligible employees may apply for sick pool benefits but one time only for a maximum of 30 days.

Each supervisor is held accountable for being familiar with this Substance Abuse policy and its administration. He/she must keep good records of employee performance. Any situation involving an employee under the influence of drugs or the use, sale, possession or distribution immediately to the Personnel Director or Division Director. It is the supervisor's responsibility to document situations of suspected or actual drug use. Supervisor's who fail to report even suspected activities will be subject to disciplinary action.

Section 5 – Specific Guidelines and Rules

Only employees who agree and consent to participate in a drug screen will be tested. All employees of the City recognize that, by continuing employment with the City, they have consented to the City's adoption of a drug program. Any employee who undertakes a rehabilitation program and does not complete it or who cannot maintain a drug and alcohol-free status on the job is subject to disciplinary action, up to and including job termination. This policy is not intended to and will not limit testing or search for drugs by authorized law enforcement personnel in the performance of their duties.

Pre-employment Testing:

- 1.) Job applicants will be required to undergo drug testing after an employment offer has been extended contingent on passing a physical examination, or when an applicant is on probation or has limited rights prior to full employment status. The purpose of this screening effort is to minimize internal corrective actions.
- 2.) All candidates for employment will be tested, no matter what position they are applying for. All positive test results will be confirmed by an alternative test method of higher quality (GC/MS), and if, in the opinion of the Medical Review Officer a positive result occurs, candidates will be disallowed, but may reapply for a job after a waiting period of one year.

Reasonable Suspicion Testing:

Reasonable suspicion that an employee may be using drugs or alcohol may be a cause for disciplinary procedures. Reasonable suspicion exists when a specific contemporaneous event or observation points to recent alcohol or drug use: specific objective facts must be present and reasonable inferences can be made, through objective documentation of delinquent job performance, that suggests the employee is experiencing personal problems and/or using drugs or alcohol.

If the necessity for a search (urine test) of an individual is deemed sufficiently important to justify intruding upon that person's privacy, and it is impracticable to insist that suspicion meet a "probable cause" standard, then the search may proceed on the basis of "reasonable suspicion when:

- 1.) Employee is observed on duty by the employee's immediate supervisor who is trained to recognize the symptoms of drug abuse, impairment or intoxication (which observations shall be documented by the observer or observers):
- 2.) Employee behavior is the type of behavior which is recognized and accepted symptom of intoxication or impairment caused by controlled substances or alcohol or addiction to or dependence upon controlled substance. Symptoms of such impairment could be slurring of speech, dilated pupils, loss of balance, inability to do ordinary physical tasks, or unusual risk-taking behavior; and
- 3.) Employee behavior is not reasonably explained as resulting from causes other than the use of controlled substances (such as fatigue, lack of sleep, side effect of prescription or over-the-counter medications, reactions to noxious fumes or smoke, etc.).
- 4.) Information received from a reliable witness, the witness must be willing to come forward and provide specific documented details involving the suspected individual.

Probable Cause Testing:

Any employee shall be tested for drug or alcohol use when there is "probable cause" i.e.; employee involvement in a reportable work-related accident, physical or vehicular. ** Excluding exposures to disease or chemicals. See Administrative Directive No. 52 for reporting and testing procedures for exposures.

Voluntary Random Testing:

- 1.) Employees that wish to participate in the Voluntary Random Drug Testing Program must sign up with the Personnel Office to be placed in a computer bank for random sampling.

*Names can be withdrawn from the bank if withdrawal occurs before an employee's name is selected.
- 2.) Employees that voluntarily sign up and are selected for testing are required to follow through with testing procedures. Refusal of said test will result in termination.
- 3.) When names are selected the supervisor will be notified and the employees will be taken by the supervisor directly to the collection site for testing.
- 4.) Employees participating in the Voluntary Random Drug Testing Program who are selected for testing, and produce a negative test result shall be rewarded with a day of their choice off with pay, provided the date is coordinated with their supervisor.

Section 6 – Drug Testing Procedure

Taking a urine or blood sample, then subjecting it to chemical analysis, is permissible if it is done right after an on-the-job incident or accident. Privacy interests will be respected.

There need be no warning in advance for a test if the suspicion of drug use or impairment is strong enough, and can meet the criteria objectively.

The Medical Review Officer (MRO) will supervise trained personnel on the collection of urine samples. Precautions will be employed to help ensure that the employee(s) provides his/her urine sample.

When sending an employee to a collection site or home, the City will provide transportation to preclude the employee from driving, or will get assistance from a taxi, relatives, or the police.

Under “**Reasonable Suspicion**” testing conditions employees will be unable to work until test results are reported.

Under the “**Probable Cause**” testing section the decision to return to work will be at the discretion of the immediate supervisor who has first hand knowledge of the employee’s condition.

The City agrees that in cases of negative test results, employees will be restored to previous status and paid lost wages (also see: VII, “Positive Test Results”)

The City will utilize a NIDA approved laboratory in performing urinalysis for drug/alcohol detection. The laboratory will provide chain-of-custody procedures and documentation necessary to meet federal standards.

A positive test shall mean either the presence of drug and/or alcohol. Sample testing

procedures shall conform to scientifically accepted analytical methods and procedures and shall include confirmation of any positive test result by gas chromatography/mass spectroscopy (GC/MS) before the results of any test may be used as a basis for any action. If a positive test result occurs, a MRO will be employed to determine if the test result is indeed positive to illicit drugs or over-the-counter drugs or food substances.

Section 7 – Positive Test Results

Only conclusive results are to be reported to the City. A positive urinalysis test will be confirmed by a second test using the GC/MS technique. Both tests must be positive or the results are considered inconclusive thereby causing a negative presence of substance to be reported to the City.

The reporting of positive test results to employees, job applicants, or managers will be based only on written results from the laboratory. Individuals with positive test results will be notified in person or through registered mail. A record of any conversations or mail receipts will be included in the medical file. Disciplinary action will be based on confirmed test results where written documentation is available. In an effort to preserve confidentiality and only provide information on a need-to-know basis, the results of drug screens that confirmed positive by the laboratory will be sent to the Personnel Director or in her absence the Division Director or ACEO of the affiliated employee.

Section 8 – Employee Assistance Program (EAP)

The City will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employee. The EAP counselor will assist the employee in determining how the rehabilitation costs can be paid. In most instances, the employee's medical benefit plan can be used.

When documented job impairment has been observed and identified, a supervisor may recommend participation in the EAP. Any action taken by the supervisor, however, will be based on job performance. When an employee seeks assistance or is referred to a counselor, his or her status and problem-solving actions will remain confidential and will not be released to other persons except on a need-to-know basis.

Supervisor referrals to the EAP will include employee's release of information consent form to be returned to the City supervisor by the EAP. Refusal to participate in, or failure to complete the EAP directed program will be documented. Should job performance not improve after a reasonable amount of time, the employee is subject to corrective action up to and including termination of employment.

Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself, does not preclude City's use of corrective actions, participation in an EAP directed program may enable the supervisor to allow time for completion of such program before initiating or determining additional corrective actions. EAP related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of accrued sick or comp leave. Sick leave may be taken as needed, while comp time must be pre-approved.

Section 9 – Drug-Free Awareness Program

The City will establish a drug-free awareness program to educate employees about the dangers of drug abuse in the Workplace. The City will provide employees with literature and audio-visual materials to warn about the dangers of drug abuse. It will provide each employee a copy of the City's drug-free Workplace policy as well as penalties for violating said policy. The City will also provide each employee with information regarding the Employee Assistance Program available to employees.

Section 10 – Penalties for Violation of Policy

Disciplinary Action

Any employee suspected of violating this Policy shall be immediately suspended without pay pending completion of an investigation. During the course of an investigation, the

suspected employee shall have the opportunity to provide an explanation. In the event that a determination be made that no violation occurred, the employee will be reinstated without penalty and will be paid any lost wages.

When employees are found to be in possession of drugs or drug paraphernalia the Supervisor will immediately contact the Police Department. The situation will be treated as any other illegal activity.

Any employee convicted of a criminal drug statue occurring in the Workplace shall notify the City in writing no later than five days after such conviction. The City will take the following action within 30 days of receiving notice with respect to the convicted employee: take appropriate disciplinary action such employee, up to and including job termination.